

REMARKS

Claims 1-16 remain in this application. Reconsideration of the application is respectfully requested.

Each of claims 3, 6, 11, and 14 has been rewritten in the manner referred to on page 4 of the Office Action and should be allowable. Dependent claims 4, 5, 7, 8, 12, 13, 15, and 16 should be allowable as well.

Claims 1 and 9 are rejected as unpatentable over U.S. Patent 4,716,735 to Ruf et al., while claims 2 and 10 are rejected as unpatentable over the Ruf et al. patent in view of the Miller and Zloch et al. patents relied on previously. Each of claims 1 and 9 is amended above, and reconsideration of these rejections is requested.

The Miller patent does not disclose a carrier housing in which a turbine housing is arranged within the carrier housing and with a compressor housing arranged outside the carrier housing, and also does not show attachment elements arranged perpendicularly to an axis of rotation of a shaft for the purpose of fixing the bearing housing to the carrier housing. The Zloch et al. patent, likewise, does not show a carrier housing in which a turbine housing is arranged within the carrier housing and with a compressor housing arranged outside the carrier housing, and also does not show attachment elements arranged perpendicularly to an axis of rotation of a shaft for the purpose of fixing the bearing housing to the carrier housing. Finally, the Ruf et al. patent fails to disclose a carrier housing in which a turbine housing of an exhaust gas turbo charger is arranged within a carrier housing and a compressor housing of the

exhaust gas turbo charger is arranged outside the carrier housing. It follows, therefore, that neither claim 1 nor claim 9 is anticipated by any of the patents relied on by the Examiner.

In Figure 1, moreover, the Miller patent shows an exhaust gas turbo charger in which a feed line with connecting plate as well as a discharge line with a connecting plate are attached to a bearing housing 17 by screws. One problem is that the exhaust gas turbo charger, in the area of the bearing housing, cannot be arranged in a carrier housing, since the connecting plates and feed and discharge lines are located in the area of the bearing housing. A carrier housing typically has a box-like structure consisting of upper and lower parts with circular openings. In these openings, exhaust gas turbo chargers are placed on respective bearing housings. The typical carrier housing serves to provide space-saving attachment of several exhaust gas turbo chargers on the top of an internal combustion engine.

Currently amended claims 1 and 9 distinguish the invention from the Miller assembly in that each of these claims requires an arrangement including an exhaust gas turbo charger with a carrier housing, in which the turbine housing of the exhaust gas turbo charger is arranged within the carrier housing, in which the compressor housing of the exhaust gas turbo charger is arranged outside the carrier housing, and in which attachment elements are arranged perpendicular to the axis of rotation of the shaft for the purpose of fixing the bearing housing to the carrier housing. As a result of these features, the screw mounting of the exhaust gas turbocharger to the carrier housing is more easily

accessible, thus enabling the bearing housing to be made short. This permits the distance between the compressor housing and the turbine housing to be reduced, as discussed, for example, in paragraph 7 on page 2 of the specification. As noted in paragraph 7, one object of this invention is to create an assembly-friendly arrangement having an exhaust gas turbo charger with a carrier housing. Those skilled in the art receive no indication from the Miller patent disclosure as to how such an object may be achieved, since those skilled in the art would have to completely redesign the exhaust gas turbo charger in the area of the bearing housing.

The Zloch et al. patent discloses an exhaust gas turbo charger in which the compressor housing 2 and the turbine housing 4 are screwed to the bearing housing 6. The screw mountings are aligned parallel to the axis of rotation of a shaft 14 (see, for example, the screw in the area of reference number 40). The Zloch et al. turbo charger includes securing rod 46 aligned perpendicularly to the shaft 14. The securing rod prevents rotation of a sleeve 26 in which the shaft is seated. It is not possible to fix an exhaust gas turbo charger in a carrier housing by way of the securing rod. It is respectfully submitted that, in view of the Miller disclosure, those skilled in the art would be provided with a suggestion to fix the exhaust gas turbo charger, in the area of the bearing housing, in a carrier housing by way of screw mountings that are aligned parallel to the shaft from the Zloch et al. disclosure in order to achieve the object mentioned above. Claims 1 and 9 distinguish the present invention from such a configuration.

Conversely, when considering the Zloch et al. patent disclosure, those skilled in the art would not consult the Miller disclosure for suggestions as to addressing the object mentioned, since, here, V-belts are used to attach the compressor housing to the bearing housing or the turbine housing to the bearing housing. Attachment of the exhaust gas turbo charger in a carrier housing by V-belts is not possible.

It follows from the foregoing discussion that the Miller and Zloch et al. disclosures, taken as a whole, do not suggest the invention as defined by claims 1 and 9.

The Ruf et al. patent discloses an exhaust gas turbo charger which, in the area of a bearing housing 1, has an additional flange 19 and a significantly enlarged flange surface 10. Bores are arranged in the area of the enlarged flange surface 10. The exhaust gas turbo charger is screwed flush to a crankcase 12 by way of those bores. Due to the special design of the bearing housing, the bearing housing serves as an engine support (see lines 40 to 44 in column 1), and the tube and hose conduits for the lubricant and coolant from the exhaust gas turbo charger to the crankcase are eliminated as discussed in lines 64 to 67 of column 1.

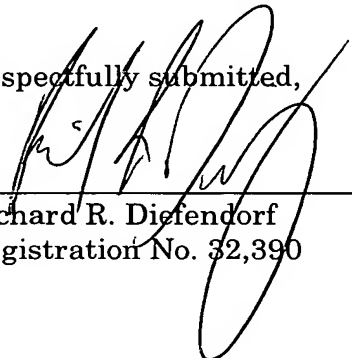
Those skilled in the art who might be aware of the Miller disclosure would not consider the Ruf et al. disclosure for achieving the object referred to above, since Ruf et al. teach a completely different type of fastening (engine support, enlarged contact surface 10) for the exhaust gas turbo charger. The same applies to the combined Zloch et al. and Ruf et al. disclosures. To achieve the object

referred to, those skilled in the art would not proceed from the Ruf et al. disclosure, since the Ruf et al. exhaust gas turbo charger cannot be used with a carrier housing; for such a use, the Ruf et al. bearing housing would have to be completely redesigned.

It is respectfully submitted that, for reasons discussed above, no possible combination of the documents relied on by the Examiner would suggest either the exhaust gas turbo charger and carrier housing arrangement of claim 1 or the exhaust gas turbo charger and carrier housing assembly process of claim 9. Claims 1 and 9, therefore, are patentable along with claims 3-8 and 11-16. Dependent claims 2 and 10 are patentable as well. All claims of this application, therefore, are now allowable.

Should the Examiner have any questions after considering this Reply, the Examiner is invited to telephone the undersigned attorney.

April 1, 2005

Respectfully submitted,


Richard R. Diefendorf
Registration No. 32,390

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
RRD:msy